

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,

Case No. 1:19-CR-779

Plaintiff,

-vs-

JUDGE PAMELA A. BARKER

ANTONIO WOODS,

Defendant.

**MEMORANDUM OPINION AND
ORDER**

This matter is before the Court upon Defendant Antonio Woods' Motion for Sentence Reduction Under 18 U.S.C. § 3582(c)(1)(A) (Compassionate Release) filed on July 1, 2021 ("Defendant's Motion"). (Doc. No. 29.) The Court appointed the Office of the Federal Public Defender to assist Defendant in litigating his request for compassionate release. (7/6/2021 Minute Order.) On July 14, 2021, the Office of the Federal Public Defender filed a Notice of No Intent to Supplement and Motion to Withdraw as Counsel. (Doc. No. 32.) On July 21, 2021, the United States of America filed a Motion in Opposition to Defendant's Motion ("the Government's Opposition"). (Doc. No. 33.)

In Defendant's Motion, Defendant acknowledges that he "did not submit a request for compassionate release to the warden." (Doc. No. 29, PageID # 198.) Defendant explained that he "tried to give the warden a paper cop-out requesting a compassionate release and no one took it fearing that I had contracted Covid-19." (*Id.*) As correctly asserted in the Government's Opposition, Defendant provides no additional evidence to show that he made a request for compassionate release to the warden; and an opportunity arose for him to do so as early as May 17, 2021 when he made a request to staff for medical attention due to his health concerns. (Doc.

No. 29-1.) Indeed, FCI Greenville where Defendant is incarcerated indicates it has no record of receiving any compassionate release request from Defendant. (Doc. No. 33-1, PageID #236.)

Pursuant to 18 U.S.C. § 3582(c)(1)(A), prisoners must fully exhaust all administrative rights to appeal with the prison or wait 30 days after a first request to the warden before the Court may modify a term of imprisonment. *United States v. Alam*, 960 F.3d 831, 832 (6th Cir. 2020). The requirement that a defendant either exhaust administrative appeals or wait 30 days after presenting a request to the warden before seeking judicial relief is mandatory. (*Id.* at 833-34.)

Because the Court finds that Defendant did not exhaust his administrative appeals by filing a request for compassionate release with the warden, Defendant's Motion is DENIED.

IT IS SO ORDERED.

Date: July 22, 2021

s/Pamela A. Barker
PAMELA A. BARKER
U. S. DISTRICT JUDGE